



RESOLUTION 2004-02 PROVISIONAL VOTING

WHEREAS, voting is one of the most fundamental rights of America's democracy and that all eligible citizens should be able to freely register to vote and know that their vote will be fairly counted;

WHEREAS, provisional voting was mandated under the Help America Vote Act of 2002 (HAVA) to ensure that every eligible voter who is registered or who believes they are registered can cast a ballot in federal elections with the knowledge that a fair process will be followed to determine if the provisional ballot is eligible to be counted;

WHEREAS, steps must be taken by election officials to make certain that provisional balloting is administered in a fair and non-discriminatory manner;

WHEREAS, the United States Election Assistance Commission (EAC) conducted a public meeting on September 30, 2004, at which presentations were made regarding provisional voting and which revealed a lack of clarity to the public with regard to provisional voting procedures;

WHEREAS, EAC desires to encourage States and local election officials to carefully consider the effectiveness and clarity of the provisional voting procedures that they have in place;

NOW, THEREFORE, BE IT RESOLVED that EAC encourages each State to consider whether the State has taken the following actions related to provisional voting:

1. That all States have in place clear and uniform written procedures, guidelines and/or instructions which govern the casting and counting of provisional ballots; that any local procedures reflect the States' uniform procedures; and that all States and election jurisdictions make these procedures available to the public, political parties and candidates prior to the election;

2. That all election officials take steps to ensure that poll workers are appropriately and specifically trained on how to administer provisional ballots in their respective jurisdictions;

3. That all States and election officials consider utilizing Federal funds received under the Help America Vote Act to engage in an aggressive voter education campaign aimed at ensuring that voters are familiar with their rights to cast a provisional ballot, as well as where such provisional ballots must be cast in order to be counted; and

4. In States where a provisional ballot is validly cast only when cast at the voter's assigned polling place or precinct, that these States make information available to poll workers at all precincts and/or polling places that will allow the poll workers to determine the voter's assigned precinct and polling place. Such information may be made available in various ways, such as by (a) giving the poll workers access to the entire list of eligible voters for that jurisdiction, (b) establishing a dedicated telephone line that would allow a poll worker to speak immediately to an election official with access to the list of eligible voters, or (c) providing maps of adjacent precincts to poll workers so that voters may locate their residence and corresponding polling place.

Adopted by vote of the United States Election Assistance Commission, this 12th day of October, 2004 in Washington, D.C.

Chair, DeForest B. Soaries, Jr.

Vice-Chair, Gracia Hillman

Commissioner Paul DeGregorio

Commissioner Ray Martinez, III